

REMARKS

Amendment to the Claims

Upon entry of the foregoing amendment, 23 claims are pending in the application. Of the pending claims, 6 claims are independent. These numbers include the claims to the non-elected species as well as to the new claims submitted herein.

Withdrawal of Claims 16-18 and 20-22

The Examiner has withdrawn claims 16-18 and 20-22, stating that these claims are part of the non-elected inventions. For the reasons given below Applicant respectfully submits that the withdrawal of claims 17, 18, 20, 21, and 22 is improper and requests that these claims be reinstated.

Among other criteria, “[c]laims to be restricted to different species must be mutually exclusive.” MPEP § 806.04(f). In the instant case, claims 1 and 14, which are part of the elected invention, both contain the limitation “providing a nozzle” without regard to the electrical state of the nozzle, e.g. grounded, charged, etc. Several of the non-elected claims are more specific, containing limitations to “providing a grounded nozzle”. Nonetheless, claims 1 and 14 are broader than these latter claims and therefore encompass grounded nozzles. Thus claim 18, which depends from claim 14 and which claims a grounded nozzle, is not mutually exclusive of claim 1 or claim 14 but instead falls within the scope of the elected invention.

Analogous arguments apply with regard to claims 17 and 20-22, insofar as these claims are not mutually exclusive of claims 1 and 14 but instead fall within the scope of claims 1 and 14.

Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected Claim Nos. 1, 14, 15, and 19 under 35 U.S.C. §102(b) as being anticipated by Noakes et al. (US Patent 4,854,506).

Given Applicant's position that claims 17-18 and 20-22 were improperly withdrawn (see above), Applicant has overcome this rejection by amending claims 1 and 14 to recite "providing a grounded nozzle", which distinguishes these claims over the cited art of record, including Noakes et al. '506. In addition, claim 18 has been cancelled.

New Claims

Newly-entered claims 23 and 24 claim additional features of the present invention. These limitations are fully supported by the originally-filed specification and figures and thus no new matter is added.

Conclusion

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited references. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

Furthermore, since claim 14, which is generic to all claims in the application, is allowable, Applicant respectfully requests that the election and restriction requirement be removed and all withdrawn claims be re-entered and allowed.

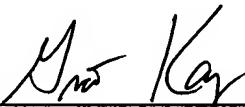
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and

complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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